

## An Anthropologist in Political Asylum Court, Part I

In this month's column, Carole McGranahan writes about her experience as expert witness in asylum cases. Next month, she will explore the same events from the perspective of anthropological researcher. This two part series is meant to explore the tensions in roles and perspectives of expert/activist and researcher. —Miriam Ticktin, Contributing Editor of Human Rights Forum

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I pace. My heart pounds. My palms grow sweaty. It is always like this. No matter how many times I testify, whether I'm testifying in person in court or over the phone from my home or office, I find each occasion anxiety-provoking. Someone's life hangs in the balance. Will they have to return to Nepal, where they were tortured and almost killed because of their political opinions? Or will they receive asylum, be able to stay here in the US, and reunite with their families who remained behind? The stories are always heartbreaking. Some are truly devastating. Since 2004, I have testified approximately 40 times in immigration courts around the United States. My first case was unexpected. I thought it would be a one-time thing, but instead eight years later I am still testifying. As a good poststructuralist, I screen all the cases I do for "truthfulness." The overwhelming majority of cases that come to me (and all of those I agree to do) are ones I consider credible.

Today I testified on behalf of a woman who was beaten and left for dead. Twice. Whose son was kidnapped a decade ago and whose whereabouts are still unknown. Whose house was burned down with her husband inside. She received asylum, but not without some difficulty. Her case was scheduled and then postponed. One


case I worked on was postponed five separate times over a four year period. Nepal is a country where waiting is a finely honed cultural practice, but this is different. This is waiting in another country, to the erratic rhythms of an unfamiliar legal system.

Asylum court is often a lonely place. There is the judge, the asylum applicant, the applicant's attorney, and the government attorney. Sometimes a translator or stenographer or a witness or two, maybe relatives if allowed. The courtroom is a quiet and respectful space of tense vulnerability. Each case unfolds in its own way. Not all attorneys are created equal, nor are all judges. Attorneys you pay for, but judges are assigned to you. Most of them are precise, thorough and hardworking. Local knowledge swirls about: "so-and-so is a hard judge," "that judge is fair," "that judge never gives asylum to Nepalis," "this government lawyer has no heart," and story after story of applicants' "first" lawyers, the one they hired before they knew better, who took their money and messed up their case.

When I testify, I am not conducting research. I am not an ethnographer of asylum court, but a participant. I speak to current political conditions in Nepal. I explain different cultural aspects of political conflict. I give context to confusion and uncertainty. I've learned to speak clearly and succinctly, to avoid circuitous "professor-speak." I claim the status of expert without

reservation, sharing professional knowledge I have about Nepal with attorneys and judges who are experts in immigration law but who usually do not know much, if anything, about Nepal. My testimony, I am often told by lawyers, "made the difference." I am overwhelmed by this. When someone deservedly receives asylum, I feel exhilarated and humbled. And unsettled. Unsettled by the violence they've suffered, but also by the arbitrariness of the asylum process in the United States, including the strange subject position of "expert" in which I reside so confidently.

As I wrote this, I made a list of every person I have testified for. Writing down their names brought back their stories. Brought back the ethnographic details they included in the often raw narratives they submitted to the court, details the court might deem extraneous but that mattered to them, and that mattered to me: their yearning for their children, the routes they traveled to work everyday, the poetry they wrote, whether their marriage was a "love" one or an arranged one, the rock and roll bands they played in, the literacy work they were committed to, their failed romantic relationships with non-Nepalis in the US, and the convenience store jobs they held in small and middling and large cities throughout this country. I wish I knew these stories for different reasons. I wish I had never had to testify. I wish these people and their families well.

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Highlight from AAA Blog

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# Anthropology and the Truths of Political Asylum, Part II

Last month, Carole McGranahan wrote about her experience as expert witness in asylum cases. This month, she explores asylum from the perspective of an anthropological researcher, and compares the two roles. —*Miriam Ticktin, Contributing Editor of Human Rights Forum*

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In 2007, a joke circulating in the Tibetan community in Toronto went something like this: "Have you heard

about the Sherpa man who posed as a Tibetan to try and get political asylum? The judge asked him when the Dalai Lama's birthday was and he said, "Saturday?" Everyone who told me this joke roared with laughter at the punchline. The joke was funny because of course

every Tibetan knows that the Dalai Lama's birthday is July 6. The Sherpa community, however, doesn't celebrate his birthday. Nonetheless in Nepal and India such holidays are most often celebrated on Saturday (regardless of whether it is the 6th or not), hence his educated but incorrect guess.

While there is no way to make a joke less funny than to explain it, my point here is not humor. Instead I want to discuss issues of truth and ethnographic knowledge within the asylum process, specifically contrasting my ethnographic experience researching issues of citizenship and political asylum with Tibetan refugees in New York City and Toronto, with my professional experience serving as an expert witness in Nepali political asylum

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cases in the United States (as I wrote about in our last column).

Should truth and credibility be starting places for an anthropology of political asylum? For me, the answer is yes and no. Yes, we need to get inside the social legal and political production and recognition of "truths" in the asylum process, but no, we should not start with assumptions about the truth of any given applicant's claim. In his book *Anthropology and Expertise in the Asylum Courts*, Anthony Good counsels anthropologists not to try to ascertain credibility of applicants. I concur. As an ethnographer of political asylum, my goal is to address the range of truths and experiences involved. As an expert witness, however, my job is different. In deciding if I will accept a case, I first read the applicant's asylum statement to make sure nothing feels "off" or too familiar. As an expert witness (itself a claim to certain types of truth and credibility), my role is to explain the political situation in Nepal, including whether the applicant's story is consistent with past or current conditions. In court, the expert does not determine the applicant's credibility; that responsibility falls to the judge.

How does a political asylum applicant tell their story in a credible manner? What gaps exist between the story they tell to themselves and the story a judge might expect to hear? Meaningful parts of one's story might be deemed extraneous or even problematic when in court. For example, extortion is often a part of Nepali asylum claims, and yet isn't recognized by the US government as grounds for asylum. Narrative truths are not neutral, but rest on what Ann Stoler calls "hierarchies of credibility" that are culturally established and, in the case of asylum, legally determined. Determinations also take place outside of court, by scholars and others who confidently tell me that asylum applicants share, recycle, or make up their stories. These are not arguments about the malleability of narratives, about cultural style, or even about form and content, but are presented as moral truths: asylum applicants lie.

Yet ethnographic truths of the political asylum process are rarely black and white. As individuals from politically disenfranchised countries such as Nepal or Tibet migrate to North America, what citizenship options are available to them? Who gets to make what

claims on what state? Asylum processes and requirements differ across countries. The claims expected of Tibetans in Canada and the US are not the same. The truths they tell in asylum court rest on an always contingent set of situated realities: on state structures of asylum, on social knowledge of the process, on cultural understandings of how to narrate one's life, and on political discourses of truth, rights, and hope. Why might Tibetans choose to apply for asylum in Canada rather than the US? What compels a Sherpa man to pose as a Tibetan in order to gain citizenship in a new country? And how does humor take the edge off the ironically comfortable political position from which Tibetan refugees tell his story? As seen ethnographically, the asylum process resists not only on law, but also on the limits of humanity, of how humans treat each other, and on the very grey, often painful space between creativity and vulnerability.

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